



Crl.O.P.(MD)No.4736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **28.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.4736 of 2023

1.Manoj

2.Mathanraj @ Mathan

3.Suresh

... Petitioners/A2, A3 and A4

Vs.

1.The State rep. by its
The Deputy Superintendent of Police,
Alakulam,
Tenkasi District.

2.The Inspector of Police,
Surandai Police Station,
Tenkasi District.
(Crime No.38 of 2023)

... Respondents/Complainants

3.Rajasekar

... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned II Additional Sessions Judge for PCR Cases, Tirunelveli to accept the surrender of the petitioners and to consider the bail application on the same day in accordance with law of his surrender in connection with Crime No.38 of 2023 on the file of the Inspector of Police, Surandai police Station, Tenkasi District.



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For Petitioners : Mr.B.Jeyakumar
For Respondents : Mr.R.Suresh Kumar
for R1 & R2
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the learned II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, to accept the surrender of the petitioner and consider the bail application on the date of their surrender in connection with Crime No. 38 of 2023 on the file of the 2nd respondent Police.

2.The petitioners are the accused person in Crime No.38 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 447, 294(b), 323 and 506(i) of IPC and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.R.Suresh Kumar, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2.

4.The learned Government Advocate (Crl. Side) would submit that the third petitioner namely Accused No.4 in this case is a habitual



offender and also a history sheeted person. So he is not entitled for any discretionary direction from this Court. A3 is having one similar offence.

The above said FIR has also been produced before this Court. Even though it has been stated that the second petitioner is having one previous case, reading of the FIR shows that he is not arrayed as accused.

5.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

- 1)The petitioners 1 and 2 shall appear before the learned II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli, within a period of 15 days from the date of receipt of a copy of this order.
- 2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.



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6. With the above observation, this criminal original petition is disposed of in respect of the petitioners 1 and 2 and dismissed in respect of the 3rd petitioner.

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Index : Yes/No

Internet : Yes/No

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To

1. The II Additional District and Sessions Judge (Special Court for SC/ST (POA) Act Cases), Tirunelveli.

2. The Deputy Superintendent of Police,
Alakulam,
Tenkasi District.

3. The Inspector of Police,
Surandai Police Station,
Tenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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